

ASSEMBLY BILL

No. 347

Introduced by Assembly Member Huff

February 10, 2005

An act to amend Section 91000 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 347, as introduced, Huff. Political Reform Act of 1974: enforcement.

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign finance and related matters under the Fair Political Practices Commission. Existing law makes a violation of the act subject to a variety of penalties, including making a violation of the act a misdemeanor punishable by imprisonment in a county jail for no more than 6 months.

This bill would make a violation of the act a misdemeanor or felony, punishable by imprisonment in a county jail for no more than one year, or by 16 months, 2 years, or 3 years in the state prison.

By providing for felony prosecution, thereby adding procedural requirements for local prosecutors and increasing potential local incarceration, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes

with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 91000 of the Government Code is
2 amended to read:

3 91000. (a) Any person who knowingly or willfully violates
4 any provision of this title is guilty of a ~~misdemeanor~~ *public*
5 *offense punishable by imprisonment in a county jail for no more*
6 *than one year or in the state prison.*

7 (b) In addition to other penalties provided by law, a fine of up
8 to the greater of ten thousand dollars (\$10,000) or three times the
9 amount the person failed to report properly or unlawfully
10 contributed, expended, gave, or received may be imposed upon
11 conviction for each violation.

12 (c) Prosecution for violation of this title must be commenced
13 within four years after the date on which the violation occurred.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the
19 penalty for a crime or infraction, within the meaning of Section
20 17556 of the Government Code, or changes the definition of a
21 crime within the meaning of Section 6 of Article XIII B of the
22 California Constitution.

23 SEC. 3. The Legislature finds and declares that the provisions
24 of this act further the purposes of the Political Reform Act of
25 1974 within the meaning of subdivision (a) of Section 81012 of
26 the Government Code.